

West's Revised Code of Washington Annotated

Title 26. Domestic Relations (Refs & Annos)

Chapter 26.09. Dissolution of Marriage--Legal Separation (Refs & Annos)

West's RCWA 26.09.013

26.09.013. Interpretive services--Literacy assistance--Guardian ad litem charges--Telephone or interactive videoconference participation--Residential time in cases involving domestic violence or child abuse--Disclosure of information--Supervised visitation and safe exchange centers

Effective: June 7, 2012

[Currentness](#)

In order to provide judicial officers with better information and to facilitate decision making which allows for the protection of children from physical, mental, or emotional harm and in order to facilitate consistent healthy contact between both parents and their children:

(1) Parties and witnesses who require the assistance of interpreters shall be provided access to qualified interpreters pursuant to chapter 2.42 or 2.43 RCW. To the extent practicable and within available resources, interpreters shall also be made available at dissolution-related proceedings.

(2) Parties and witnesses who require literacy assistance shall be referred to the multipurpose service centers established in chapter 28B.04 RCW.

(3) In matters involving guardians ad litem, the court shall specify the hourly rate the guardian ad litem may charge for his or her services, and shall specify the maximum amount the guardian ad litem may charge without additional review. Counties may, and to the extent state funding is provided therefor counties shall, provide indigent parties with guardian ad litem services at a reduced or waived fee.

(4) Parties may request to participate by telephone or interactive videoconference. The court may allow telephonic or interactive videoconference participation of one or more parties at any proceeding in its discretion. The court may also allow telephonic or interactive videoconference participation of witnesses.

(5) In cases involving domestic violence or child abuse, if residential time is ordered, the court may:

(a) Order exchange of a child to occur in a protected setting;

(b) Order residential time supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such residential time. The court shall not approve of a supervisor for contact between the child and the parent unless the supervisor is willing to and capable of protecting the child from harm. The court shall revoke court approval of the supervisor if the court determines, after a hearing, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child. If the court allows a family or household member to supervise residential time, the court shall establish conditions to be followed during residential time.

(6)(a) In cases in which the court has made a finding of domestic violence or child abuse, the court may not require a victim of domestic violence or the custodial parent of a victim of child abuse to disclose to the other party information that would reasonably be expected to enable the perpetrator of domestic violence or child abuse to obtain previously undisclosed information regarding the name, location, or address of a victim's residence, employer, or school at an initial hearing, and shall carefully weigh the safety interests of the victim before issuing orders which would require disclosure in a future hearing.

(b) In cases in which domestic violence or child abuse has been alleged but the court has not yet made a finding regarding such allegations, the court shall provide the party alleging domestic violence or child abuse with the opportunity to prove the allegations before ordering the disclosure of information that would reasonably be expected to enable the alleged perpetrator of domestic violence or child abuse to obtain previously undisclosed information regarding the name, location, or address of a victim's residence, employer, or school.

(7) In cases in which the court finds that the parties do not have a satisfactory history of cooperation or there is a high level of parental conflict, the court may order the parties to use supervised visitation and safe exchange centers or alternative safe locations to facilitate the exercise of residential time.

#### **Credits**

[[2012 c 223 § 5](#), eff. June 7, 2012; [2007 c 496 § 401](#), eff. July 22, 2007.]

West's RCWA 26.09.013, WA ST 26.09.013

Current with 2013 Legislation effective through July 1, 2013

---

End of Document

© 2013 Thomson Reuters. No claim to original U.S. Government Works.

West's Revised Code of Washington Annotated

Title 26. Domestic Relations (Refs & Annos)

Chapter 26.09. Dissolution of Marriage--Legal Separation (Refs & Annos)

West's RCWA 26.09.181

26.09.181. Procedure for determining permanent parenting plan

Currentness

(1) SUBMISSION OF PROPOSED PLANS. (a) In any proceeding under this chapter, except a modification, each party shall file and serve a proposed permanent parenting plan on or before the earliest date of:

(i) Thirty days after filing and service by either party of a notice for trial; or

(ii) One hundred eighty days after commencement of the action which one hundred eighty day period may be extended by stipulation of the parties.

(b) In proceedings for a modification of custody or a parenting plan, a proposed parenting plan shall be filed and served with the motion for modification and with the response to the motion for modification.

(c) No proposed permanent parenting plan shall be required after filing of an agreed permanent parenting plan, after entry of a final decree, or after dismissal of the cause of action.

(d) A party who files a proposed parenting plan in compliance with this section may move the court for an order of default adopting that party's parenting plan if the other party has failed to file a proposed parenting plan as required in this section.

(2) AMENDING PROPOSED PARENTING PLANS. Either party may file and serve an amended proposed permanent parenting plan according to the rules for amending pleadings.

(3) GOOD FAITH PROPOSAL. The parent submitting a proposed parenting plan shall attach a verified statement that the plan is proposed by that parent in good faith.

(4) AGREED PERMANENT PARENTING PLANS. The parents may make an agreed permanent parenting plan.

(5) MANDATORY SETTLEMENT CONFERENCE. Where mandatory settlement conferences are provided under court rule, the parents shall attend a mandatory settlement conference. The mandatory settlement conference shall be presided over by a judge or a court commissioner, who shall apply the criteria in [RCW 26.09.187](#) and [26.09.191](#). The parents shall in good faith review the proposed terms of the parenting plans and any other issues relevant to the cause of action with the presiding judge or court commissioner. Facts and legal issues that are not then in dispute shall be entered as stipulations for purposes of final hearing or trial in the matter.

(6) TRIAL SETTING. Trial dates for actions involving minor children brought under this chapter shall receive priority.

(7) ENTRY OF FINAL ORDER. The final order or decree shall be entered not sooner than ninety days after filing and service.

This subsection does not apply to decrees of legal separation.

#### **Credits**

[1989 2nd ex.s. c 2 § 1; 1989 c 375 § 8; 1987 c 460 § 7.]

#### [Notes of Decisions \(26\)](#)

West's RCWA 26.09.181, WA ST 26.09.181

Current with 2013 Legislation effective through July 1, 2013

---

End of Document

© 2013 Thomson Reuters. No claim to original U.S. Government Works.

West's Revised Code of Washington Annotated

Title 26. Domestic Relations (Refs & Annos)

Chapter 26.09. Dissolution of Marriage--Legal Separation (Refs & Annos)

West's RCWA 26.09.182

26.09.182. Permanent parenting plan--Determination of relevant information

Effective: July 22, 2007

[Currentness](#)

Before entering a permanent parenting plan, the court shall determine the existence of any information and proceedings relevant to the placement of the child that are available in the judicial information system and databases.

#### **Credits**

[[2007 c 496 § 304](#), eff. July 22, 2007.]

West's RCWA 26.09.182, WA ST 26.09.182

Current with 2013 Legislation effective through July 1, 2013

---

End of Document

© 2013 Thomson Reuters. No claim to original U.S. Government Works.

West's Revised Code of Washington Annotated

Title 26. Domestic Relations (Refs & Annos)

Chapter 26.09. Dissolution of Marriage--Legal Separation (Refs & Annos)

West's RCWA 26.09.184

26.09.184. Permanent parenting plan

Effective: July 22, 2007

[Currentness](#)

(1) OBJECTIVES. The objectives of the permanent parenting plan are to:

(a) Provide for the child's physical care;

(b) Maintain the child's emotional stability;

(c) Provide for the child's changing needs as the child grows and matures, in a way that minimizes the need for future modifications to the permanent parenting plan;

(d) Set forth the authority and responsibilities of each parent with respect to the child, consistent with the criteria in [RCW 26.09.187](#) and [26.09.191](#);

(e) Minimize the child's exposure to harmful parental conflict;

(f) Encourage the parents, where appropriate under [RCW 26.09.187](#) and [26.09.191](#), to meet their responsibilities to their minor children through agreements in the permanent parenting plan, rather than by relying on judicial intervention; and

(g) To otherwise protect the best interests of the child consistent with [RCW 26.09.002](#).

(2) CONTENTS OF THE PERMANENT PARENTING PLAN. The permanent parenting plan shall contain provisions for resolution of future disputes between the parents, allocation of decision-making authority, and residential provisions for the child.

(3) CONSIDERATION IN ESTABLISHING THE PERMANENT PARENTING PLAN. In establishing a permanent parenting plan, the court may consider the cultural heritage and religious beliefs of a child.

(4) DISPUTE RESOLUTION. A process for resolving disputes, other than court action, shall be provided unless precluded or limited by [RCW 26.09.187](#) or [26.09.191](#). A dispute resolution process may include counseling, mediation, or arbitration by a specified individual or agency, or court action. In the dispute resolution process:

- (a) Preference shall be given to carrying out the parenting plan;
- (b) The parents shall use the designated process to resolve disputes relating to implementation of the plan, except those related to financial support, unless an emergency exists;
- (c) A written record shall be prepared of any agreement reached in counseling or mediation and of each arbitration award and shall be provided to each party;
- (d) If the court finds that a parent has used or frustrated the dispute resolution process without good reason, the court shall award attorneys' fees and financial sanctions to the prevailing parent;
- (e) The parties have the right of review from the dispute resolution process to the superior court; and
- (f) The provisions of (a) through (e) of this subsection shall be set forth in the decree.

(5) ALLOCATION OF DECISION-MAKING AUTHORITY.

- (a) The plan shall allocate decision-making authority to one or both parties regarding the children's education, health care, and religious upbringing. The parties may incorporate an agreement related to the care and growth of the child in these specified areas, or in other areas, into their plan, consistent with the criteria in [RCW 26.09.187](#) and [26.09.191](#). Regardless of the allocation of decision-making in the parenting plan, either parent may make emergency decisions affecting the health or safety of the child.
- (b) Each parent may make decisions regarding the day-to-day care and control of the child while the child is residing with that parent.
- (c) When mutual decision making is designated but cannot be achieved, the parties shall make a good-faith effort to resolve the issue through the dispute resolution process.

(6) RESIDENTIAL PROVISIONS FOR THE CHILD. The plan shall include a residential schedule which designates in which parent's home each minor child shall reside on given days of the year, including provision for holidays, birthdays of family members, vacations, and other special occasions, consistent with the criteria in [RCW 26.09.187](#) and [26.09.191](#).

(7) PARENTS' OBLIGATION UNAFFECTED. If a parent fails to comply with a provision of a parenting plan or a child support order, the other parent's obligations under the parenting plan or the child support order are not affected. Failure to comply with a provision in a parenting plan or a child support order may result in a finding of contempt of court, under [RCW 26.09.160](#).

(8) PROVISIONS TO BE SET FORTH IN PERMANENT PARENTING PLAN. The permanent parenting plan shall set forth the provisions of subsections (4)(a) through (c), (5)(b) and (c), and (7) of this section.

### Credits

[[2007 c 496 § 601](#), eff. July 22, 2007; [1991 c 367 § 7](#); [1989 c 375 § 9](#); 1987 c 460 § 8.]

### [Notes of Decisions \(37\)](#)

West's RCWA 26.09.184, WA ST 26.09.184

Current with 2013 Legislation effective through July 1, 2013

---

End of Document

© 2013 Thomson Reuters. No claim to original U.S. Government Works.



West's Revised Code of Washington Annotated

Title 26. Domestic Relations (Refs & Annos)

Chapter 26.09. Dissolution of Marriage--Legal Separation (Refs & Annos)

West's RCWA 26.09.187

26.09.187. Criteria for establishing permanent parenting plan

Effective: July 22, 2007

[Currentness](#)

(1) DISPUTE RESOLUTION PROCESS. The court shall not order a dispute resolution process, except court action, when it finds that any limiting factor under [RCW 26.09.191](#) applies, or when it finds that either parent is unable to afford the cost of the proposed dispute resolution process. If a dispute resolution process is not precluded or limited, then in designating such a process the court shall consider all relevant factors, including:

- (a) Differences between the parents that would substantially inhibit their effective participation in any designated process;
- (b) The parents' wishes or agreements and, if the parents have entered into agreements, whether the agreements were made knowingly and voluntarily; and
- (c) Differences in the parents' financial circumstances that may affect their ability to participate fully in a given dispute resolution process.

(2) ALLOCATION OF DECISION-MAKING AUTHORITY.

(a) AGREEMENTS BETWEEN THE PARTIES. The court shall approve agreements of the parties allocating decision-making authority, or specifying rules in the areas listed in [RCW 26.09.184\(5\)\(a\)](#), when it finds that:

- (i) The agreement is consistent with any limitations on a parent's decision-making authority mandated by [RCW 26.09.191](#); and
- (ii) The agreement is knowing and voluntary.

(b) SOLE DECISION-MAKING AUTHORITY. The court shall order sole decision-making to one parent when it finds that:

- (i) A limitation on the other parent's decision-making authority is mandated by [RCW 26.09.191](#);
- (ii) Both parents are opposed to mutual decision making;

(iii) One parent is opposed to mutual decision making, and such opposition is reasonable based on the criteria in (c) of this subsection.

(c) **MUTUAL DECISION-MAKING AUTHORITY**. Except as provided in (a) and (b) of this subsection, the court shall consider the following criteria in allocating decision-making authority:

(i) The existence of a limitation under [RCW 26.09.191](#);

(ii) The history of participation of each parent in decision making in each of the areas in [RCW 26.09.184\(5\)\(a\)](#);

(iii) Whether the parents have a demonstrated ability and desire to cooperate with one another in decision making in each of the areas in [RCW 26.09.184\(5\)\(a\)](#); and

(iv) The parents' geographic proximity to one another, to the extent that it affects their ability to make timely mutual decisions.

**(3) RESIDENTIAL PROVISIONS.**

(a) The court shall make residential provisions for each child which encourage each parent to maintain a loving, stable, and nurturing relationship with the child, consistent with the child's developmental level and the family's social and economic circumstances. The child's residential schedule shall be consistent with [RCW 26.09.191](#). Where the limitations of [RCW 26.09.191](#) are not dispositive of the child's residential schedule, the court shall consider the following factors:

(i) The relative strength, nature, and stability of the child's relationship with each parent;

(ii) The agreements of the parties, provided they were entered into knowingly and voluntarily;

(iii) Each parent's past and potential for future performance of parenting functions as defined in [\\*RCW 26.09.004\(3\)](#), including whether a parent has taken greater responsibility for performing parenting functions relating to the daily needs of the child;

(iv) The emotional needs and developmental level of the child;

(v) The child's relationship with siblings and with other significant adults, as well as the child's involvement with his or her physical surroundings, school, or other significant activities;

(vi) The wishes of the parents and the wishes of a child who is sufficiently mature to express reasoned and independent preferences as to his or her residential schedule; and

(vii) Each parent's employment schedule, and shall make accommodations consistent with those schedules.

Factor (i) shall be given the greatest weight.

(b) Where the limitations of [RCW 26.09.191](#) are not dispositive, the court may order that a child frequently alternate his or her residence between the households of the parents for brief and substantially equal intervals of time if such provision is in the best interests of the child. In determining whether such an arrangement is in the best interests of the child, the court may consider the parties geographic proximity to the extent necessary to ensure the ability to share performance of the parenting functions.

(c) For any child, residential provisions may contain any reasonable terms or conditions that facilitate the orderly and meaningful exercise of residential time by a parent, including but not limited to requirements of reasonable notice when residential time will not occur.

#### **Credits**

[[2007 c 496 § 603](#), eff. July 22, 2007; [1989 c 375 § 10](#); 1987 c 460 § 9.]

#### [Notes of Decisions \(107\)](#)

West's RCWA 26.09.187, WA ST 26.09.187

Current with 2013 Legislation effective through July 1, 2013

---

End of Document

© 2013 Thomson Reuters. No claim to original U.S. Government Works.

West's Revised Code of Washington Annotated

Title 26. Domestic Relations (Refs & Annos)

Chapter 26.09. Dissolution of Marriage--Legal Separation (Refs & Annos)

West's RCWA 26.09.191

26.09.191. Restrictions in temporary or permanent parenting plans

Effective: January 1, 2012

[Currentness](#)

(1) The permanent parenting plan shall not require mutual decision-making or designation of a dispute resolution process other than court action if it is found that a parent has engaged in any of the following conduct: (a) Willful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions; (b) physical, sexual, or a pattern of emotional abuse of a child; or (c) a history of acts of domestic violence as defined in [RCW 26.50.010\(1\)](#) or an assault or sexual assault which causes grievous bodily harm or the fear of such harm.

(2)(a) The parent's residential time with the child shall be limited if it is found that the parent has engaged in any of the following conduct: (i) Willful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions; (ii) physical, sexual, or a pattern of emotional abuse of a child; (iii) a history of acts of domestic violence as defined in [RCW 26.50.010\(1\)](#) or an assault or sexual assault which causes grievous bodily harm or the fear of such harm; or (iv) the parent has been convicted as an adult of a sex offense under:

(A) [RCW 9A.44.076](#) if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(B) [RCW 9A.44.079](#) if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(C) [RCW 9A.44.086](#) if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(D) [RCW 9A.44.089](#);

(E) [RCW 9A.44.093](#);

(F) [RCW 9A.44.096](#);

(G) [RCW 9A.64.020 \(1\)](#) or [\(2\)](#) if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(H) Chapter 9.68A RCW;

(I) Any predecessor or antecedent statute for the offenses listed in (a)(iv)(A) through (H) of this subsection;

(J) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (a)(iv)(A) through (H) of this subsection.

This subsection (2)(a) shall not apply when (c) or (d) of this subsection applies.

(b) The parent's residential time with the child shall be limited if it is found that the parent resides with a person who has engaged in any of the following conduct: (i) Physical, sexual, or a pattern of emotional abuse of a child; (ii) a history of acts of domestic violence as defined in [RCW 26.50.010\(1\)](#) or an assault or sexual assault that causes grievous bodily harm or the fear of such harm; or (iii) the person has been convicted as an adult or as a juvenile has been adjudicated of a sex offense under:

(A) [RCW 9A.44.076](#) if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(B) [RCW 9A.44.079](#) if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(C) [RCW 9A.44.086](#) if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(D) [RCW 9A.44.089](#);

(E) [RCW 9A.44.093](#);

(F) [RCW 9A.44.096](#);

(G) [RCW 9A.64.020 \(1\)](#) or [\(2\)](#) if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(H) Chapter 9.68A RCW;

(I) Any predecessor or antecedent statute for the offenses listed in (b)(iii)(A) through (H) of this subsection;

(J) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (b)(iii)(A) through (H) of this subsection.

This subsection (2)(b) shall not apply when (c) or (e) of this subsection applies.

(c) If a parent has been found to be a sexual predator under chapter 71.09 RCW or under an analogous statute of any other jurisdiction, the court shall restrain the parent from contact with a child that would otherwise be allowed under this chapter. If a parent resides with an adult or a juvenile who has been found to be a sexual predator under chapter 71.09 RCW or under an analogous statute of any other jurisdiction, the court shall restrain the parent from contact with the parent's child except contact that occurs outside that person's presence.

(d) There is a rebuttable presumption that a parent who has been convicted as an adult of a sex offense listed in (d)(i) through (ix) of this subsection poses a present danger to a child. Unless the parent rebuts this presumption, the court shall restrain the parent from contact with a child that would otherwise be allowed under this chapter:

(i) [RCW 9A.64.020 \(1\) or \(2\)](#), provided that the person convicted was at least five years older than the other person;

(ii) [RCW 9A.44.073](#);

(iii) [RCW 9A.44.076](#), provided that the person convicted was at least eight years older than the victim;

(iv) [RCW 9A.44.079](#), provided that the person convicted was at least eight years older than the victim;

(v) [RCW 9A.44.083](#);

(vi) [RCW 9A.44.086](#), provided that the person convicted was at least eight years older than the victim;

(vii) [RCW 9A.44.100](#);

(viii) Any predecessor or antecedent statute for the offenses listed in (d)(i) through (vii) of this subsection;

(ix) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (d)(i) through (vii) of this subsection.

(e) There is a rebuttable presumption that a parent who resides with a person who, as an adult, has been convicted, or as a juvenile has been adjudicated, of the sex offenses listed in (e)(i) through (ix) of this subsection places a child at risk of abuse or harm when that parent exercises residential time in the presence of the convicted or adjudicated person. Unless the parent rebuts the presumption, the court shall restrain the parent from contact with the parent's child except for contact that occurs outside of the convicted or adjudicated person's presence:

(i) [RCW 9A.64.020 \(1\) or \(2\)](#), provided that the person convicted was at least five years older than the other person;

(ii) [RCW 9A.44.073](#);

- (iii) [RCW 9A.44.076](#), provided that the person convicted was at least eight years older than the victim;
- (iv) [RCW 9A.44.079](#), provided that the person convicted was at least eight years older than the victim;
- (v) [RCW 9A.44.083](#);
- (vi) [RCW 9A.44.086](#), provided that the person convicted was at least eight years older than the victim;
- (vii) [RCW 9A.44.100](#);
- (viii) Any predecessor or antecedent statute for the offenses listed in (e)(i) through (vii) of this subsection;
- (ix) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (e)(i) through (vii) of this subsection.
- (f) The presumption established in (d) of this subsection may be rebutted only after a written finding that:
  - (i) If the child was not the victim of the sex offense committed by the parent requesting residential time, (A) contact between the child and the offending parent is appropriate and poses minimal risk to the child, and (B) the offending parent has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes such contact is appropriate and poses minimal risk to the child; or
  - (ii) If the child was the victim of the sex offense committed by the parent requesting residential time, (A) contact between the child and the offending parent is appropriate and poses minimal risk to the child, (B) if the child is in or has been in therapy for victims of sexual abuse, the child's counselor believes such contact between the child and the offending parent is in the child's best interest, and (C) the offending parent has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes such contact is appropriate and poses minimal risk to the child.
- (g) The presumption established in (e) of this subsection may be rebutted only after a written finding that:
  - (i) If the child was not the victim of the sex offense committed by the person who is residing with the parent requesting residential time, (A) contact between the child and the parent residing with the convicted or adjudicated person is appropriate and that parent is able to protect the child in the presence of the convicted or adjudicated person, and (B) the convicted or adjudicated person has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes such contact is appropriate and poses minimal risk to the child; or
  - (ii) If the child was the victim of the sex offense committed by the person who is residing with the parent requesting residential time, (A) contact between the child and the parent in the presence of the convicted or adjudicated person is appropriate and poses minimal risk to the child, (B) if the child is in or has been in therapy for victims of sexual abuse, the child's counselor

believes such contact between the child and the parent residing with the convicted or adjudicated person in the presence of the convicted or adjudicated person is in the child's best interest, and (C) the convicted or adjudicated person has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes contact between the parent and child in the presence of the convicted or adjudicated person is appropriate and poses minimal risk to the child.

(h) If the court finds that the parent has met the burden of rebutting the presumption under (f) of this subsection, the court may allow a parent who has been convicted as an adult of a sex offense listed in (d)(i) through (ix) of this subsection to have residential time with the child supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such residential time. The court shall not approve of a supervisor for contact between the child and the parent unless the court finds, based on the evidence, that the supervisor is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child.

(i) If the court finds that the parent has met the burden of rebutting the presumption under (g) of this subsection, the court may allow a parent residing with a person who has been adjudicated as a juvenile of a sex offense listed in (e)(i) through (ix) of this subsection to have residential time with the child in the presence of the person adjudicated as a juvenile, supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such residential time. The court shall not approve of a supervisor for contact between the child and the parent unless the court finds, based on the evidence, that the supervisor is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child.

(j) If the court finds that the parent has met the burden of rebutting the presumption under (g) of this subsection, the court may allow a parent residing with a person who, as an adult, has been convicted of a sex offense listed in (e)(i) through (ix) of this subsection to have residential time with the child in the presence of the convicted person supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such residential time. The court shall not approve of a supervisor for contact between the child and the parent unless the court finds, based on the evidence, that the supervisor is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child.

(k) A court shall not order unsupervised contact between the offending parent and a child of the offending parent who was sexually abused by that parent. A court may order unsupervised contact between the offending parent and a child who was not sexually abused by the parent after the presumption under (d) of this subsection has been rebutted and supervised residential time has occurred for at least two years with no further arrests or convictions of sex offenses involving children under chapter 9A.44 RCW, [RCW 9A.64.020](#), or chapter 9.68A RCW and (i) the sex offense of the offending parent was not committed against a child of the offending parent, and (ii) the court finds that unsupervised contact between the child and the offending parent is appropriate and poses minimal risk to the child, after consideration of the testimony of a state-certified therapist, mental health counselor, or social worker with expertise in treating child sexual abuse victims who has supervised at least one period of residential time between the parent and the child, and after consideration of evidence of the offending parent's compliance with community supervision requirements, if any. If the offending parent was not ordered by a court to participate in treatment for sex offenders, then the parent shall obtain a psychosexual evaluation conducted by a certified sex offender treatment provider or a certified affiliate sex offender treatment provider indicating that the offender has the lowest likelihood of risk to reoffend before the court grants unsupervised contact between the parent and a child.

(l) A court may order unsupervised contact between the parent and a child which may occur in the presence of a juvenile adjudicated of a sex offense listed in (e)(i) through (ix) of this subsection who resides with the parent after the presumption



under (e) of this subsection has been rebutted and supervised residential time has occurred for at least two years during which time the adjudicated juvenile has had no further arrests, adjudications, or convictions of sex offenses involving children under chapter 9A.44 RCW, [RCW 9A.64.020](#), or chapter 9.68A RCW, and (i) the court finds that unsupervised contact between the child and the parent that may occur in the presence of the adjudicated juvenile is appropriate and poses minimal risk to the child, after consideration of the testimony of a state-certified therapist, mental health counselor, or social worker with expertise in treatment of child sexual abuse victims who has supervised at least one period of residential time between the parent and the child in the presence of the adjudicated juvenile, and after consideration of evidence of the adjudicated juvenile's compliance with community supervision or parole requirements, if any. If the adjudicated juvenile was not ordered by a court to participate in treatment for sex offenders, then the adjudicated juvenile shall obtain a psychosexual evaluation conducted by a certified sex offender treatment provider or a certified affiliate sex offender treatment provider indicating that the adjudicated juvenile has the lowest likelihood of risk to reoffend before the court grants unsupervised contact between the parent and a child which may occur in the presence of the adjudicated juvenile who is residing with the parent.

(m)(i) The limitations imposed by the court under (a) or (b) of this subsection shall be reasonably calculated to protect the child from the physical, sexual, or emotional abuse or harm that could result if the child has contact with the parent requesting residential time. The limitations shall also be reasonably calculated to provide for the safety of the parent who may be at risk of physical, sexual, or emotional abuse or harm that could result if the parent has contact with the parent requesting residential time. The limitations the court may impose include, but are not limited to: Supervised contact between the child and the parent or completion of relevant counseling or treatment. If the court expressly finds based on the evidence that limitations on the residential time with the child will not adequately protect the child from the harm or abuse that could result if the child has contact with the parent requesting residential time, the court shall restrain the parent requesting residential time from all contact with the child.

(ii) The court shall not enter an order under (a) of this subsection allowing a parent to have contact with a child if the parent has been found by clear and convincing evidence in a civil action or by a preponderance of the evidence in a dependency action to have sexually abused the child, except upon recommendation by an evaluator or therapist for the child that the child is ready for contact with the parent and will not be harmed by the contact. The court shall not enter an order allowing a parent to have contact with the child in the offender's presence if the parent resides with a person who has been found by clear and convincing evidence in a civil action or by a preponderance of the evidence in a dependency action to have sexually abused a child, unless the court finds that the parent accepts that the person engaged in the harmful conduct and the parent is willing to and capable of protecting the child from harm from the person.

(iii) If the court limits residential time under (a) or (b) of this subsection to require supervised contact between the child and the parent, the court shall not approve of a supervisor for contact between a child and a parent who has engaged in physical, sexual, or a pattern of emotional abuse of the child unless the court finds based upon the evidence that the supervisor accepts that the harmful conduct occurred and is willing to and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing to or capable of protecting the child.

(n) If the court expressly finds based on the evidence that contact between the parent and the child will not cause physical, sexual, or emotional abuse or harm to the child and that the probability that the parent's or other person's harmful or abusive conduct will recur is so remote that it would not be in the child's best interests to apply the limitations of (a), (b), and (m)(i) and (iii) of this subsection, or if the court expressly finds that the parent's conduct did not have an impact on the child, then the court need not apply the limitations of (a), (b), and (m)(i) and (iii) of this subsection. The weight given to the existence of a protection order issued under chapter 26.50 RCW as to domestic violence is within the discretion of the court. This subsection shall not apply when (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), and (m)(ii) of this subsection apply.

(3) A parent's involvement or conduct may have an adverse effect on the child's best interests, and the court may preclude or limit any provisions of the parenting plan, if any of the following factors exist:

- (a) A parent's neglect or substantial nonperformance of parenting functions;
- (b) A long-term emotional or physical impairment which interferes with the parent's performance of parenting functions as defined in [RCW 26.09.004](#);
- (c) A long-term impairment resulting from drug, alcohol, or other substance abuse that interferes with the performance of parenting functions;
- (d) The absence or substantial impairment of emotional ties between the parent and the child;
- (e) The abusive use of conflict by the parent which creates the danger of serious damage to the child's psychological development;
- (f) A parent has withheld from the other parent access to the child for a protracted period without good cause; or
- (g) Such other factors or conduct as the court expressly finds adverse to the best interests of the child.

(4) In cases involving allegations of limiting factors under subsection (2)(a)(ii) and (iii) of this section, both parties shall be screened to determine the appropriateness of a comprehensive assessment regarding the impact of the limiting factor on the child and the parties.

(5) In entering a permanent parenting plan, the court shall not draw any presumptions from the provisions of the temporary parenting plan.

(6) In determining whether any of the conduct described in this section has occurred, the court shall apply the civil rules of evidence, proof, and procedure.

(7) For the purposes of this section:

- (a) "A parent's child" means that parent's natural child, adopted child, or stepchild; and
- (b) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in [RCW 18.320.010](#).

**Credits**

[2011 c 89 § 6, eff. Jan. 1, 2012; 2007 c 496 § 303, eff. July 22, 2007; 2004 c 38 § 12, eff. July 1, 2004; 1996 c 303 § 1; 1994 c 267 § 1. Prior: 1989 c 375 § 11; 1989 c 326 § 1; 1987 c 460 § 10.]

[Notes of Decisions \(28\)](#)

West's RCWA 26.09.191, WA ST 26.09.191

Current with 2013 Legislation effective through July 1, 2013

---

End of Document

© 2013 Thomson Reuters. No claim to original U.S. Government Works.

West's Revised Code of Washington Annotated

Title 26. Domestic Relations (Refs & Annos)

Chapter 26.09. Dissolution of Marriage--Legal Separation (Refs & Annos)

West's RCWA 26.09.194

26.09.194. Proposed temporary parenting plan--Temporary order--Amendment--Vacation of order

Effective: June 12, 2008

[Currentness](#)

(1) A parent seeking a temporary order relating to parenting shall file and serve a proposed temporary parenting plan by motion. The other parent, if contesting the proposed temporary parenting plan, shall file and serve a responsive proposed parenting plan. Either parent may move to have a proposed temporary parenting plan entered as part of a temporary order. The parents may enter an agreed temporary parenting plan at any time as part of a temporary order. The proposed temporary parenting plan may be supported by relevant evidence and shall be accompanied by an affidavit or declaration which shall state at a minimum the following:

(a) The name, address, and length of residence with the person or persons with whom the child has lived for the preceding twelve months;

(b) The performance by each parent during the last twelve months of the parenting functions relating to the daily needs of the child;

(c) The parents' work and child-care schedules for the preceding twelve months;

(d) The parents' current work and child-care schedules; and

(e) Any of the circumstances set forth in [RCW 26.09.191](#) that are likely to pose a serious risk to the child and that warrant limitation on the award to a parent of temporary residence or time with the child pending entry of a permanent parenting plan.

(2) At the hearing, the court shall enter a temporary parenting order incorporating a temporary parenting plan which includes:

(a) A schedule for the child's time with each parent when appropriate;

(b) Designation of a temporary residence for the child;

(c) Allocation of decision-making authority, if any. Absent allocation of decision-making authority consistent with [RCW 26.09.187\(2\)](#), neither party shall make any decision for the child other than those relating to day-to-day or emergency care of the child, which shall be made by the party who is present with the child;

(d) Provisions for temporary support for the child; and

(e) Restraining orders, if applicable, under [RCW 26.09.060](#).

(3) A parent may make a motion for an order to show cause and the court may enter a temporary order, including a temporary parenting plan, upon a showing of necessity.

(4) A parent may move for amendment of a temporary parenting plan, and the court may order amendment to the temporary parenting plan, if the amendment conforms to the limitations of [RCW 26.09.191](#) and is in the best interest of the child.

(5) If a proceeding for dissolution of marriage or dissolution of domestic partnership, legal separation, or declaration of invalidity is dismissed, any temporary order or temporary parenting plan is vacated.

#### **Credits**

[[2008 c 6 § 1045](#), eff. June 12, 2008; 1987 c 460 § 13.]

#### [Notes of Decisions \(2\)](#)

West's RCWA 26.09.194, WA ST 26.09.194

Current with 2013 Legislation effective through July 1, 2013

---

End of Document

© 2013 Thomson Reuters. No claim to original U.S. Government Works.

West's Revised Code of Washington Annotated

Title 26. Domestic Relations (Refs & Annos)

Chapter 26.09. Dissolution of Marriage--Legal Separation (Refs & Annos)

West's RCWA 26.09.197

26.09.197. Issuance of temporary parenting plan--Criteria

Effective: July 22, 2007

[Currentness](#)

After considering the affidavit required by [RCW 26.09.194\(1\)](#) and other relevant evidence presented, the court shall make a temporary parenting plan that is in the best interest of the child. In making this determination, the court shall give particular consideration to:

- (1) The relative strength, nature, and stability of the child's relationship with each parent; and
- (2) Which parenting arrangements will cause the least disruption to the child's emotional stability while the action is pending.

The court shall also consider the factors used to determine residential provisions in the permanent parenting plan.

#### **Credits**

[[2007 c 496 § 604](#), eff. July 22, 2007; 1987 c 460 § 14.]

West's RCWA 26.09.197, WA ST 26.09.197

Current with 2013 Legislation effective through July 1, 2013

---

End of Document

© 2013 Thomson Reuters. No claim to original U.S. Government Works.

West's Revised Code of Washington Annotated

Title 26. Domestic Relations (Refs & Annos)

Chapter 26.09. Dissolution of Marriage--Legal Separation (Refs & Annos)

West's RCWA 26.09.210

26.09.210. Parenting plans--Interview with child by court--Advice of professional personnel

Effective: June 12, 2008

[Currentness](#)

The court may interview the child in chambers to ascertain the child's wishes as to the child's residential schedule in a proceeding for dissolution of marriage or domestic partnership, legal separation, or declaration of invalidity. The court may permit counsel to be present at the interview. The court shall cause a record of the interview to be made and to be made part of the record in the case.

The court may seek the advice of professional personnel whether or not they are employed on a regular basis by the court. The advice given shall be in writing and shall be made available by the court to counsel upon request. Counsel may call for cross-examination any professional personnel consulted by the court.

#### **Credits**

[[2008 c 6 § 1018](#), eff. June 12, 2008; 1987 c 460 § 15; 1973 1st ex.s. c 157 § 21.]

#### [Notes of Decisions \(3\)](#)

West's RCWA 26.09.210, WA ST 26.09.210

Current with 2013 Legislation effective through July 1, 2013

---

End of Document

© 2013 Thomson Reuters. No claim to original U.S. Government Works.

West's Revised Code of Washington Annotated

Title 26. Domestic Relations (Refs & Annos)

Chapter 26.09. Dissolution of Marriage--Legal Separation (Refs & Annos)

West's RCWA 26.09.220

26.09.220. Parenting arrangements--Investigation and report--Appointment of guardian ad litem

Effective: July 22, 2011

[Currentness](#)

(1)(a) The court may order an investigation and report concerning parenting arrangements for the child, or may appoint a guardian ad litem pursuant to [RCW 26.12.175](#), or both. The investigation and report may be made by the guardian ad litem, court-appointed special advocate, the staff of the juvenile court, or other professional social service organization experienced in counseling children and families.

(b) An investigator is a person appointed as an investigator under [RCW 26.12.050\(1\)\(b\)](#) or any other third-party professional ordered or appointed by the court to provide an opinion, assessment, or evaluation regarding the creation or modification of a parenting plan.

(2) In preparing the report concerning a child, the investigator or person appointed under subsection (1) of this section may consult any person who may have information about the child and the potential parenting or custodian arrangements. Upon order of the court, the investigator or person appointed under subsection (1) of this section may refer the child to professional personnel for diagnosis. The investigator or person appointed under subsection (1) of this section may consult with and obtain information from medical, psychiatric, or other expert persons who have served the child in the past without obtaining the consent of the parent or the child's custodian; but the child's consent must be obtained if the child has reached the age of twelve, unless the court finds that the child lacks mental capacity to consent. If the requirements of subsection (3) of this section are fulfilled, the report by the investigator or person appointed under subsection (1) of this section may be received in evidence at the hearing.

(3) The investigator or person appointed under subsection (1) of this section shall provide his or her report to counsel and to any party not represented by counsel at least ten days prior to the hearing unless a shorter time is ordered by the court for good cause shown. The investigator or person appointed under subsection (1) of this section shall make available to counsel and to any party not represented by counsel his or her file of underlying data and reports, complete texts of diagnostic reports made to the investigator or appointed person pursuant to the provisions of subsection (2) of this section, and the names and addresses of all persons whom he or she has consulted. Any party to the proceeding may call the investigator or person appointed under subsection (1) of this section and any person whom the investigator or appointed person has consulted for cross-examination. A party may not waive the right of cross-examination prior to the hearing.

**Credits**

[[2011 c 292 § 4](#), eff. July 22, 2011; [1993 c 289 § 1](#); [1989 c 375 § 12](#); [1987 c 460 § 16](#); [1973 1st ex.s. c 157 § 22](#).]

[Notes of Decisions \(8\)](#)



West's RCWA 26.09.220, WA ST 26.09.220

Current with 2013 Legislation effective through July 1, 2013

---

End of Document

© 2013 Thomson Reuters. No claim to original U.S. Government Works.

West's Revised Code of Washington Annotated

Title 26. Domestic Relations (Refs & Annos)

Chapter 26.09. Dissolution of Marriage--Legal Separation (Refs & Annos)

West's RCWA 26.09.225

26.09.225. Access to child's education and health care records

[Currentness](#)

(1) Each parent shall have full and equal access to the education and health care records of the child absent a court order to the contrary. Neither parent may veto the access requested by the other parent.

(2) Educational records are limited to academic, attendance, and disciplinary records of public and private schools in all grades kindergarten through twelve and any form of alternative school for all periods for which child support is paid or the child is the dependent in fact of the parent requesting access to the records.

(3) Educational records of postsecondary educational institutions are limited to enrollment and academic records necessary to determine, establish, or continue support ordered pursuant to [RCW 26.19.090](#).

**Credits**

[1991 sp.s. c 28 § 3; 1990 1st ex.s. c 2 § 18; 1987 c 460 § 17.]

[Notes of Decisions \(3\)](#)

West's RCWA 26.09.225, WA ST 26.09.225

Current with 2013 Legislation effective through July 1, 2013

---

End of Document

© 2013 Thomson Reuters. No claim to original U.S. Government Works.

West's Revised Code of Washington Annotated

Title 26. Domestic Relations (Refs & Annos)

Chapter 26.09. Dissolution of Marriage--Legal Separation (Refs & Annos)

West's RCWA 26.09.231

26.09.231. Residential time summary report

Effective: July 22, 2007

[Currentness](#)

The parties to dissolution matters shall file with the clerk of the court the residential time summary report. The summary report shall be on the form developed by the administrative office of the courts in consultation with the department of social and health services division of child support. The parties must complete the form and file the form with the court order. The clerk of the court must forward the form to the division of child support on at least a monthly basis.

#### **Credits**

[[2007 c 496 § 701](#), eff. July 22, 2007.]

West's RCWA 26.09.231, WA ST 26.09.231

Current with 2013 Legislation effective through July 1, 2013

---

End of Document

© 2013 Thomson Reuters. No claim to original U.S. Government Works.

West's Revised Code of Washington Annotated

Title 26. Domestic Relations (Refs & Annos)

Chapter 26.09. Dissolution of Marriage--Legal Separation (Refs & Annos)

West's RCWA 26.09.255

26.09.255. Remedies when a child is taken, enticed, or concealed

Effective: June 12, 2008

[Currentness](#)

(1) A relative may bring civil action against any other relative if, with intent to deny access to a child by that relative of the child who has a right to physical custody of or visitation with the child or a parent with whom the child resides pursuant to a parenting plan order, the relative takes, entices, or conceals the child from that relative. The plaintiff may be awarded, in addition to any damages awarded by the court, the reasonable expenses incurred by the plaintiff in locating the child, including, but not limited to, investigative services and reasonable attorneys' fees.

(2) "Relative" means an ancestor, descendant, or sibling including a relative of the same degree through marriage, domestic partnership, or adoption, or a spouse or domestic partner.

#### Credits

[[2008 c 6 § 1019](#), eff. June 12, 2008; 1987 c 460 § 22; 1984 c 95 § 6.]

West's RCWA 26.09.255, WA ST 26.09.255

Current with 2013 Legislation effective through July 1, 2013

---

End of Document

© 2013 Thomson Reuters. No claim to original U.S. Government Works.

West's Revised Code of Washington Annotated

Title 26. Domestic Relations (Refs & Annos)

Chapter 26.09. Dissolution of Marriage--Legal Separation (Refs & Annos)

West's RCWA 26.09.260

26.09.260. Modification of parenting plan or custody decree

Effective: July 26, 2009

[Currentness](#)

(1) Except as otherwise provided in subsections (4), (5), (6), (8), and (10) of this section, the court shall not modify a prior custody decree or a parenting plan unless it finds, upon the basis of facts that have arisen since the prior decree or plan or that were unknown to the court at the time of the prior decree or plan, that a substantial change has occurred in the circumstances of the child or the nonmoving party and that the modification is in the best interest of the child and is necessary to serve the best interests of the child. The effect of a parent's military duties potentially impacting parenting functions shall not, by itself, be a substantial change of circumstances justifying a permanent modification of a prior decree or plan.

(2) In applying these standards, the court shall retain the residential schedule established by the decree or parenting plan unless:

(a) The parents agree to the modification;

(b) The child has been integrated into the family of the petitioner with the consent of the other parent in substantial deviation from the parenting plan;

(c) The child's present environment is detrimental to the child's physical, mental, or emotional health and the harm likely to be caused by a change of environment is outweighed by the advantage of a change to the child; or

(d) The court has found the nonmoving parent in contempt of court at least twice within three years because the parent failed to comply with the residential time provisions in the court-ordered parenting plan, or the parent has been convicted of custodial interference in the first or second degree under [RCW 9A.40.060](#) or [9A.40.070](#).

(3) A conviction of custodial interference in the first or second degree under [RCW 9A.40.060](#) or [9A.40.070](#) shall constitute a substantial change of circumstances for the purposes of this section.

(4) The court may reduce or restrict contact between the child and the parent with whom the child does not reside a majority of the time if it finds that the reduction or restriction would serve and protect the best interests of the child using the criteria in [RCW 26.09.191](#).

(5) The court may order adjustments to the residential aspects of a parenting plan upon a showing of a substantial change in circumstances of either parent or of the child, and without consideration of the factors set forth in subsection (2) of this section,

if the proposed modification is only a minor modification in the residential schedule that does not change the residence the child is scheduled to reside in the majority of the time and:

(a) Does not exceed twenty-four full days in a calendar year; or

(b) Is based on a change of residence of the parent with whom the child does not reside the majority of the time or an involuntary change in work schedule by a parent which makes the residential schedule in the parenting plan impractical to follow; or

(c) Does not result in a schedule that exceeds ninety overnights per year in total, if the court finds that, at the time the petition for modification is filed, the decree of dissolution or parenting plan does not provide reasonable time with the parent with whom the child does not reside a majority of the time, and further, the court finds that it is in the best interests of the child to increase residential time with the parent in excess of the residential time period in (a) of this subsection. However, any motion under this subsection (5)(c) is subject to the factors established in subsection (2) of this section if the party bringing the petition has previously been granted a modification under this same subsection within twenty-four months of the current motion. Relief granted under this section shall not be the sole basis for adjusting or modifying child support.

(6) The court may order adjustments to the residential aspects of a parenting plan pursuant to a proceeding to permit or restrain a relocation of the child. The person objecting to the relocation of the child or the relocating person's proposed revised residential schedule may file a petition to modify the parenting plan, including a change of the residence in which the child resides the majority of the time, without a showing of adequate cause other than the proposed relocation itself. A hearing to determine adequate cause for modification shall not be required so long as the request for relocation of the child is being pursued. In making a determination of a modification pursuant to relocation of the child, the court shall first determine whether to permit or restrain the relocation of the child using the procedures and standards provided in [RCW 26.09.405](#) through [26.09.560](#). Following that determination, the court shall determine what modification pursuant to relocation should be made, if any, to the parenting plan or custody order or visitation order.

(7) A parent with whom the child does not reside a majority of the time and whose residential time with the child is subject to limitations pursuant to [RCW 26.09.191 \(2\) or \(3\)](#) may not seek expansion of residential time under subsection (5)(c) of this section unless that parent demonstrates a substantial change in circumstances specifically related to the basis for the limitation.

(8)(a) If a parent with whom the child does not reside a majority of the time voluntarily fails to exercise residential time for an extended period, that is, one year or longer, the court upon proper motion may make adjustments to the parenting plan in keeping with the best interests of the minor child.

(b) For the purposes of determining whether the parent has failed to exercise residential time for one year or longer, the court may not count any time periods during which the parent did not exercise residential time due to the effect of the parent's military duties potentially impacting parenting functions.

(9) A parent with whom the child does not reside a majority of the time who is required by the existing parenting plan to complete evaluations, treatment, parenting, or other classes may not seek expansion of residential time under subsection (5)(c) of this section unless that parent has fully complied with such requirements.

(10) The court may order adjustments to any of the nonresidential aspects of a parenting plan upon a showing of a substantial change of circumstances of either parent or of a child, and the adjustment is in the best interest of the child. Adjustments ordered under this section may be made without consideration of the factors set forth in subsection (2) of this section.

(11) If the parent with whom the child resides a majority of the time receives temporary duty, deployment, activation, or mobilization orders from the military that involve moving a substantial distance away from the parent's residence or otherwise would have a material effect on the parent's ability to exercise parenting functions and primary placement responsibilities, then:

(a) Any temporary custody order for the child during the parent's absence shall end no later than ten days after the returning parent provides notice to the temporary custodian, but shall not impair the discretion of the court to conduct an expedited or emergency hearing for resolution of the child's residential placement upon return of the parent and within ten days of the filing of a motion alleging an immediate danger of irreparable harm to the child. If a motion alleging immediate danger has not been filed, the motion for an order restoring the previous residential schedule shall be granted; and

(b) The temporary duty, activation, mobilization, or deployment and the temporary disruption to the child's schedule shall not be a factor in a determination of change of circumstances if a motion is filed to transfer residential placement from the parent who is a military service member.

(12) If a parent receives military temporary duty, deployment, activation, or mobilization orders that involve moving a substantial distance away from the military parent's residence or otherwise have a material effect on the military parent's ability to exercise residential time or visitation rights, at the request of the military parent, the court may delegate the military parent's residential time or visitation rights, or a portion thereof, to a child's family member, including a stepparent, or another person other than a parent, with a close and substantial relationship to the minor child for the duration of the military parent's absence, if delegating residential time or visitation rights is in the child's best interest. The court may not permit the delegation of residential time or visitation rights to a person who would be subject to limitations on residential time under [RCW 26.09.191](#). The parties shall attempt to resolve disputes regarding delegation of residential time or visitation rights through the dispute resolution process specified in their parenting plan, unless excused by the court for good cause shown. Such a court-ordered temporary delegation of a military parent's residential time or visitation rights does not create separate rights to residential time or visitation for a person other than a parent.

(13) If the court finds that a motion to modify a prior decree or parenting plan has been brought in bad faith, the court shall assess the attorney's fees and court costs of the nonmoving parent against the moving party.

#### **Credits**

[[2009 c 502 § 3](#), eff. July 26, 2009; [2000 c 21 § 19](#); [1999 c 174 § 1](#); [1991 c 367 § 9](#). Prior: [1989 c 375 § 14](#); [1989 c 318 § 3](#); [1987 c 460 § 19](#); [1973 1st ex.s. c 157 § 26](#).]

#### [Notes of Decisions \(249\)](#)

West's RCWA 26.09.260, WA ST 26.09.260

Current with 2013 Legislation effective through July 1, 2013

West's Revised Code of Washington Annotated

Title 26. Domestic Relations (Refs & Annos)

Chapter 26.09. Dissolution of Marriage--Legal Separation (Refs & Annos)

West's RCWA 26.09.270

26.09.270. Child custody--Temporary custody order, temporary  
parenting plan, or modification of custody decree--Affidavits required

Effective: July 22, 2011

[Currentness](#)

A party seeking a temporary custody order or a temporary parenting plan or modification of a custody decree or parenting plan shall submit together with his or her motion, an affidavit setting forth facts supporting the requested order or modification and shall give notice, together with a copy of his or her affidavit, to other parties to the proceedings, who may file opposing affidavits. The court shall deny the motion unless it finds that adequate cause for hearing the motion is established by the affidavits, in which case it shall set a date for hearing on an order to show cause why the requested order or modification should not be granted.

#### **Credits**

[[2011 c 336 § 691](#), eff. July 22, 2011; [1989 c 375 § 15](#); 1973 1st ex.s. c 157 § 27.]

#### [Notes of Decisions \(36\)](#)

West's RCWA 26.09.270, WA ST 26.09.270

Current with 2013 Legislation effective through July 1, 2013

---

End of Document

© 2013 Thomson Reuters. No claim to original U.S. Government Works.



West's Revised Code of Washington Annotated

Title 26. Domestic Relations (Refs & Annos)

Chapter 26.09. Dissolution of Marriage--Legal Separation (Refs & Annos)

West's RCWA 26.09.280

26.09.280. Parenting plan or child support modification or enforcement--Venue

Effective: June 12, 2008

[Currentness](#)

Every action or proceeding to change, modify, or enforce any final order, judgment, or decree entered in any dissolution or legal separation or declaration concerning the validity of a marriage or domestic partnership, whether under this chapter or prior law, regarding the parenting plan or child support for the minor children of the marriage or the domestic partnership may be brought in the county where the minor children are then residing, or in the court in which the final order, judgment, or decree was entered, or in the county where the parent or other person who has the care, custody, or control of the children is then residing.

#### Credits

[[2008 c 6 § 1020](#), eff. June 12, 2008; [1991 c 367 § 10](#); 1987 c 460 § 20; 1975 c 32 § 4; 1973 1st ex.s. c 157 § 28.]

#### [Notes of Decisions \(11\)](#)

West's RCWA 26.09.280, WA ST 26.09.280

Current with 2013 Legislation effective through July 1, 2013

---

End of Document

© 2013 Thomson Reuters. No claim to original U.S. Government Works.

West's Revised Code of Washington Annotated

Title 26. Domestic Relations (Refs & Annos)

Chapter 26.09. Dissolution of Marriage--Legal Separation (Refs & Annos)

West's RCWA 26.09.285

26.09.285. Designation of custody for the purpose of other state and federal statutes

[Currentness](#)

Solely for the purposes of all other state and federal statutes which require a designation or determination of custody, a parenting plan shall designate the parent with whom the child is scheduled to reside a majority of the time as the custodian of the child. However, this designation shall not affect either parent's rights and responsibilities under the parenting plan. In the absence of such a designation, the parent with whom the child is scheduled to reside the majority of the time shall be deemed to be the custodian of the child for the purposes of such federal and state statutes.

**Credits**

[[1989 c 375 § 16](#); 1987 c 460 § 21.]

[Notes of Decisions \(1\)](#)

West's RCWA 26.09.285, WA ST 26.09.285

Current with 2013 Legislation effective through July 1, 2013

---

End of Document

© 2013 Thomson Reuters. No claim to original U.S. Government Works.